



Mars Khaimov Law, PLLC

100 Duffy Ave., Suite 510

Hicksville, NY 11801

Tel.: 929.324.0717

Fax: 929.333.7774

E-mail: mars@khaimovlaw.com

VIA ECF

Honorable Barbara C. Moses
United States District Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
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MEMO ENDORSED

November 7, 2023

Re: *Case 1:23-cv-00721-PAE-BCM Toro v. Seahorse Enterprises, LLC*
Request for Adjournment of Status Conference

Dear Judge Moses:

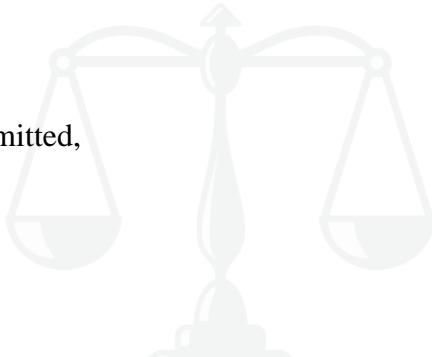
Plaintiff submits this letter-motion to seek an adjournment of the status conference scheduled for November 8, 2023 at 11:30am. Plaintiff acknowledges and apologizes for the tardiness of this request. Counsel has been awaiting a response from defense counsel regarding its consent to seek this adjournment since yesterday. Defense Counsel has graciously consented to this request. Counsel requests an adjournment to November 21, 2023, or a date thereafter more convenient to the Court. This is the first time this request is being made.

The reason for this request is two-fold. First, the Parties are actively negotiating a settlement herein, and are nearing a meeting of the minds. While a mediation was scheduled, the Parties advised the mediator that the case will likely resolve via direct negotiation, so a mediation was not held. Secondly, Plaintiff's Counsel is scheduled to appear for an in-person oral argument in the Eastern District of New York before Judge Frederic Block on November 8, 2023 on another matter, and making both appearances would be extremely inconvenient for Counsel. While Counsel acknowledges that deference should be given to the appearance that was scheduled first, due to the Parties' nearing resolution here, Counsel is requesting that this conference be adjourned.

The Parties have engaged in some discovery in this case. On August 16, 2023, Plaintiff served upon Defendant its First Requests for Production and Admission, and Interrogatories, and Defendant served a Notice of Deposition upon the Plaintiff. On September 12, 2023, Defendant responded to Plaintiff's Requests for Admission, Responses to the other requests are still outstanding. The Parties still plan on completing all discovery by the January 26, 2024 deadline.

We thank Your Honor for the attention and consideration herein.

Respectfully submitted,





Mars Khaimov Law, PLLC

/s/ Mars Khaimov
Attorneys for Plaintiff

Cc: David Stein, Esq.

Application GRANTED. The conference scheduled for November 8, 2023 is ADJOURNED to **December 15, 2023, at 11:00 a.m.** No later than **one week beforehand** -- that is, no later than **December 8, 2023** -- the parties shall submit a joint status letter outlining the progress of discovery to date, as well as any settlement efforts. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

Barbara Moses
United States Magistrate Judge
November 7, 2023

